

MICHAEL W. BIEN – 096891
 ERNEST GALVAN – 196065
 KARA J. JANSSEN – 274762
 GINGER JACKSON-GLEICH – 324454
 ROSEN BIEN
 GALVAN & GRUNFELD LLP
 101 Mission Street, Sixth Floor
 San Francisco, California 94105-1738
 Telephone: (415) 433-6830
 Email: mbien@rbgg.com
 egalvan@rbgg.com
 kjanssen@rbgg.com
 gjackson-gleich@rbgg.com

OREN NIMNI*
 Mass. Bar No. 691821
 AMARIS MONTES*
 Md. Bar No. 2112150205
 D DANGARAN*
 Mass. Bar No. 708195
 RIGHTS BEHIND BARS
 416 Florida Avenue N.W. #26152
 Washington, D.C. 20001-0506
 Telephone: (202) 455-4399
 Email: oren@rightsbehindbars.org
 amaris@rightsbehindbars.org
 d@rightsbehindbars.org

*Pro hac vice applications pending

SUSAN M. BEATY – 324048
 CALIFORNIA COLLABORATIVE FOR
 IMMIGRANT JUSTICE
 1999 Harrison Street, Suite 1800
 Oakland, California 94612-4700
 Telephone: (510) 679-3674
 Email: susan@ccijjustice.org

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

CALIFORNIA COALITION FOR WOMEN
 PRISONERS; R.B.; A.H.R.; S.L.; J.L.; J.M.; G.M.;
 A.S.; and L.T., individuals on behalf of themselves
 and all others similarly situated,

Plaintiffs,

v.

UNITED STATES OF AMERICA FEDERAL
 BUREAU OF PRISONS, a governmental entity;
 BUREAU OF PRISONS DIRECTOR COLETTE
 PETERS, in her official capacity; FCI DUBLIN
 WARDEN THAHESHA JUSINO, in her official
 capacity; OFFICER BELLHOUSE, in his individual
 capacity; OFFICER GACAD, in his individual
 capacity; OFFICER JONES, in his individual
 capacity; LIEUTENANT JONES, in her individual
 capacity; OFFICER LEWIS, in his individual
 capacity; OFFICER NUNLEY, in his individual
 capacity; OFFICER POOL, in his individual capacity;
 LIEUTENANT PUTNAM, in his individual capacity;
 OFFICER SERRANO, in his individual capacity;
 OFFICER SHIRLEY, in his individual capacity;
 OFFICER SMITH, in his individual capacity; and
 OFFICER VASQUEZ, in her individual capacity,

Defendants.

Case No. 3:23-cv-04155

**[PROPOSED] ORDER GRANTING
 PLAINTIFFS' MOTION FOR
 PRELIMINARY INJUNCTION**

Date: October 6, 2023
 Time: 9:30 am.
 Crtrm.: D, 15th Floor
 Place: 450 Golden Gate Avenue
 San Francisco, CA 94102

Judge: Hon. Joseph Spero

1 On October 6, 2023 at 9:30 a.m., this matter came on regularly for a hearing in this Court.
2 Having considered the parties' pleadings, the arguments of counsel, and the entire record in this
3 case, and good cause existing therefor,

4 **THE COURT HEREBY FINDS AND ORDERS:**

5 1. A preliminary injunction should issue where a plaintiff demonstrates "[1] that he is
6 likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of
7 preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in
8 the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). Plaintiffs
9 meet each of these requirements.

10 2. Plaintiffs have demonstrated that they have a likelihood of succeeding on the merits
11 of their claims that the BOP and FCI Dublin, through its officials, put individuals held at FCI at
12 substantial risk of serious harm due to sexual abuse and retaliation and have shown deliberate
13 indifference to that substantial risk of harm in violation of the Eighth Amendment.

14 3. Plaintiffs have no adequate remedy at law and only injunctive relief will alleviate
15 the risks at which they are placed by Defendants' acts and omissions.

16 4. If the Motion for Preliminary Injunction is denied, Plaintiffs will suffer irreparable
17 harm from ongoing violations of their constitutional rights.

18 5. Given Plaintiffs' likelihood of success on the merits, the irreparable harm caused
19 by denying Plaintiffs' Motion for Preliminary Injunction outweighs any harm experienced by
20 Defendants as a result of complying with the terms of this Order.

21 6. The public has a strong interest in preventing ongoing sexual assault of people
22 incarcerated at FCI Dublin and this public interest weighs in favor of granting the Motion for
23 Preliminary Injunction.

24 7. The relief ordered is narrowly drawn and extends no further than necessary to
25 remedy the current and ongoing violations of incarcerated peoples' federal rights due to the acts
26 and omissions of Defendants. The relief ordered is the least intrusive means necessary to correct
27 these violations as it grants considerable leeway to Defendants to craft a remedy that complies
28 with the terms of this Order.

WHEREFORE, IT IS HEREBY ORDERED THAT:

1. Plaintiff's motion for a preliminary injunction is GRANTED.

2. IT IS FURTHER ORDERED that Defendants must take the following immediate actions, the Court will appoint a Special Master with sufficient resources and power to monitor and ensure Defendants' compliance:

- (i) submit to a comprehensive audit, by an outside agency mutually agreed upon by the Parties, of all policies concerning staff sexual abuse, reporting, and retaliation;
- (ii) after such audit, implement changes to policies as recommended by the outside auditor and in consultation with organizational Plaintiff California Coalition of Women Prisoners (CCWP);
- (iii) submit to quarterly site visits by the outside agency mutually agreed upon by the Parties, and provide public quarterly reports concerning: staff sexual abuse and retaliation, grievances against facility staff, and use of internal punitive measures (including use of solitary confinement, strip searches, cell searches, drug tests, and transfers);
- (iv) end the use of solitary confinement or punitive segregation at FCI Dublin until such a time that it can be ensured that such confinement will not be used as part of a practice of retaliation against those who experience and report staff sexual abuse;
- (v) develop a substantive process for the return of non-contraband items seized from individuals' cells during searches;
- (vi) develop and institute policies and procedures to provide high-quality offsite medical and mental health care for all members of the class, in accordance with accepted medical standards;
- (vii) create a system to provide class members with documentation of reporting and participation in investigation of staff misconduct, and to streamline and support requests from class members for related relief (e.g. requests for

1 release to less restrictive settings, requests for U-visa certifications); and
2 (viii) ensure that all class members have consistent, timely, and confidential
3 access to legal counsel, including providing private meeting spaces for all
4 attorney visits.

5 **IT IS SO ORDERED.**

6
7 DATED: , 2023

United States District Judge